[ES] More Sanctions to Spanish Broadcasters when Infringing Advertising Rules

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Alberto Pérez Gómez
Entidad publica empresarial RED.ES

Despite the criticisms made by consumer groups and some newspapers which tried to prove that Law No 25/1994 on the implementation of the "Television without Frontiers" Directive was systematically being violated, between 1994 and 1997, there has been only one reported case in which a sanction was imposed for violating of the Spanish Law: in February 1995 the competent authority, the Ministerio de Fomento (Ministry of Development) gave a fine of 10 million pesetas (approx. 65.000 ECU) to Antena 3 and Tele 5 for exceeding the advertising time limits.

In 1997, the Government acknowledged these alleged infringements of the law publicly, by saying that if the broadcasters did not start respecting the Law by themselves, the Government would have to take measures. The European Commission, in its second report on the implementation of the Directive, which was presented in October 1997 (see IRIS 1997-10: 5), stated that the national authorities in some countries were not applying the Directive, and that this could lead to the opening of infringement proceedings before the Court of Justice of the European Communities. In a press release of the same day, the Commission indicated that Spain was among these countries (IP/97/913, of 24 October 1997).

Since then, the Ministerio de Fomento has changed its attitude. In January 1998, fines were imposed on all national broadcasters for infringement of the Spanish rules on the advertising of alcoholic beverages above 20º (Art. 8.5 Spanish Law on Advertising, No 34/1988, of 11 november 1988 - see IRIS 1998-2: 15). Now the Ministry has imposed new sanctions, this time for exceeding the advertising time limits, and also for new infringements of Art. 8.5 of the Spanish Advertising Law. The broadcasters fined are Telecinco, Antena 3 and the two national public channels of RTVE, TVE-1 and La 2. The level of the fines is in all cases, 10 million pesetas (approx. 65.000 ECU). The Ministry is currently studying alleged infringements of the advertising rules during the Christmas season.

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